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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
3 GEN-PROBE INCORPORATED,)
4 Plaintiff,)
5 vs.) No. 99cv2668 H (AJB)
6 VYSIS, INC.,)
7 Defendant.)

8
9 The confidential deposition of DONALD
10 NEIL HALBERT, Ph.D., called as a witness for
11 examination, taken pursuant to the Federal Rules of
12 Civil Procedure of the United States District
13 Courts pertaining to the taking of depositions,
14 taken before ANDREA L. CARTER, a Notary Public
15 within and for the County of Cook, State of
16 Illinois, and a Certified Shorthand Reporter of
17 said state, CSR No. 84-3722, at 100 Abbott Park
18 Road, Abbott, Illinois, on the 19th day of April,
19 A.D. 2001, at 10:17 a.m.

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1 Q. At least as to the four -- the Examples
2 4 through 7, is there any information or reference
3 with respect to those examples that you would
4 characterize to suggest specific amplification?

5 A. To suggest specific amplification?

6 Q. Yes.

7 A. Not to my knowledge.

8 Q. Of any of the examples, not just limited
9 to Examples 4 through 7, but for any of the
10 examples 1 through 7, is there any -- any
11 information associated with those four examples in
12 the '338 patent that you recognize to be the result
13 of any experimental work that you conducted while
14 at either Gene-Trak or Amoco?

15 A. That I recognize as being the result of
16 my own experimental work?

17 Q. Yes, sir.

18 A. I don't have clear enough recollection
19 of that.

20 Q. And my question was that limited, but
21 let me expand it a little bit.

22 Do you recognize anything about Examples
23 1 through 7 that you recognize to be the result of
24 experimental work that you supervised while you